IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

LA.App..No. 581 of 2001(A)

LAR.25/1994 of SUB COURT, SULTHAN BATHERY
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APPELLANT:
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1. STATE OF KERALA REP. BY DISTRICT COLLECTOR,
WAYANAD.

2.SPL.TAHSILDAR, LA, KA SCHEME, NO.II,
THARIODE NORTH.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS:

1.C.A.GEORGE, BROTHER OF C.A.KURIAN AND
POWER OF ATTORNEY HOLDER OF AYSHA KURIAN AND
KHALIL KURIAYN, CHEMBOTHARA HOUSE,
P.O.KOTTAYAM-3.

2.K.S.MOHAMMED, POWER OF ATTORNEY HOLDER
OF E.M.KUNHU KHADEEJA, SITHARA MARINE PRODUCTS,
P.O.CHANDYOOR, ALAPPUZHA.

3.AYSHA KURIAN, S/O.LATE C.A.KURIAN,
CHEMPALATHARA, KOTTAYAM-3.

4.KHALI KURIYAN, S/O.LATE C.A.KURIAN,
CHEMPLATHARA, KOTTAYAM-3.

BY ADV. SRI.PHILIP MATHEW
SRI.G.G.MANOJ
SRI.JAICE JACOB

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28/09/2007, ALONG WITH LAA 835/01, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.1809/03 IN L.A.A. NO.581 OF 2001

DISMISSED

28.9.2007. SD/- KURIAN JOSEPH, JUDGE.

SD/- HARUN-UL-RASHID, JUDGE.

TGS

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs.581 & 835 OF 2001

Dated 28th September, 2007.

J U D G M E N T

Kurian Joseph, J.

The former appeal is filed by the State and the latter by the claimants against the judgment and decree in L.A.R.25/94 on the file of the Sub Court, Sulthan Bathery. The acquisition is for the purpose of Kuttiadi Augmentation Scheme. It is not in dispute that the acquired property is similar and similarly situated as that of the property covered by LAR 32/89. The State as well as the claimants were before this Court against the judgment and decree in L.A.R.32/89, leading to judgment dated 21.11.2002 in LAA 736/94. This court dismissed the appeal filed by the State and allowed the memorandum of Cross Objection preferred by the claimants therein awarding enhanced compensation at the rate of Rs.250/- per cent with all statutory benefits including interest on solatium. For parity of reasons, we dismiss L.A.A.581/01 filed by the State and allow L.A.A.835/01 filed by the claimants, declaring that the claimants will be entitled to enhanced compensation at the rate of Rs.250/- per cent and all consequential statutory benefits, including interest on solatium.

However, it is made clear that the enhanced compensation thus granted shall not exceed Rs.6,00,000/- since for the purpose of valuation in the appeal, the claim is limited to Rs.6,00,000/-.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

tgs

KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NOs.581 & 835 OF 2001

J U D G M E N T

Dated 28th September, 2007.